

PATENT COOPERATION TREATY

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SCIENTIFIC-ATLANTA, INC.
LEGAL DEPARTMENT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To:
KELLY A. GARDNER
SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

Date of Mailing
(day/month/year)

03 JAN 2002

Applicant's or agent's file reference

F-6284-PC

REPLY DUE

within **TWO** months
from the above date of mailing

International application No.

PCT/US01/06665

International filing date (day/month/year)

28 FEBRUARY 2001

Priority date (day/month/year)

02 MARCH 2000

International Patent Classification (IPC) or both national classification and IPC
IPC(7): H04N 5/445; G06F 3/00, 13/00 and US Cl.: 725/39, 45, 44, 45, 47, 55

Applicant

SCIENTIFIC-ATLANTA, INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension; see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.5. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 02 JULY 2002

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

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Authorized officer

ANDREW FAILE

Telephone No. (703) 308-0000

I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☒ the description:
pages 1-25 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____
- ☒ the claims:
pages 26-39 _____, as originally filed
pages NONE _____, as amended (together with any statement) under Article 19
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____
- ☒ the drawings:
pages 1-14 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____
- ☒ the sequence listing part of the description:
pages NONE _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE _____
- ☒ the claims, Nos. NONE _____
- ☒ the drawings, sheets/fig. NONE _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION

International application No.

PCT/US01/06668

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-48</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-48</u>	NO
Industrial Applicability (IA)	Claims	<u>1-48</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations

Claims 1-48 lack novelty under PCT Article 33(2) as being anticipated by Lajoie et al.(US 5,850,218).

Regarding claim 1, Lajoie discloses a programmable television services client device for enabling a user to navigate to an individual television service, the client device coupled to a programmable television services server device (see Abstract), the client device comprising:

memory for storing data (Fig.5, element 52);
an interactive program guide contained in the memory for displaying program information received by the client device from the server device(Col.13, lines 45-50);
configuration information contained in the memory that includes a plurality of initial guide arrangements as a selected guide arrangement (Col.5, lines 23-40); and
a processor configured to cause the client device to display the program information according to the selected guide arrangement, the processor responsive to the interactive program guide, the configuration information, and the first user input (Col.5, lines 10-22 and Col.13, lines 3-55).

Regarding claim 2, Lajoie further discloses wherein the selected guide arrangement is configured in a time format (Fig.16), including a centered and highlighted lowest channel (Fig.16, element 392) of a plurality of channels in a channel portion of the initial guide arrangement and a listing by time of future programs in a main program display portion (Fig.16, element 386) of the initial guide arrangement corresponding to the plurality of channels shown in the channel portion of the initial guide arrangement (Col.23, lines 44-Col.24, lines 51).

Regarding claim 3, Lajoie further discloses, wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement in a current time format including a highlighted program on the current viewing channel of a plurality of channels in said channel portion in said subsequent guide arrangement and a listing by time of current and future programs in a main program display portion (Continued on Supplemental Sheet.)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

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TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

of said subsequent guide arrangement corresponding to the plurality of channels in a channel portion of the subsequent guide arrangement.

Regarding claim 4, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement in a user-configured time format including a highlighted program (Fig. 16, element 392) on a user pre-configured viewing channel of a plurality of channels in the channel portion in the subsequent guide arrangement and a listing by time of current and future programs in a main program display portion of the subsequent guide arrangement (Fig. 16, element 366) corresponding to the plurality of channels in a channel portion of the subsequent guide arrangement (Col. 23, lines 44-Col. 24, lines 51).

Regarding claim 5, LaJoie further discloses wherein the processor is responsive to a subsequent user input to display a subsequent guide arrangement with a menu of ordering formats selectable by a user overlaid on the channel portion of the subsequent guide arrangement (Fig. 19, Col. 26, lines 27-65+).

Regarding claim 6, LaJoie further discloses wherein the selected guide arrangement is configured in a theme format displaying a first alphabetical theme in a theme portion of the initial guide arrangement and a plurality of future programs in a main program display portion of the initial guide arrangement corresponding to the first alphabetical theme shown in the theme portion of the initial guide arrangement (Fig. 20, Col. 26, lines 47-65+).

Regarding claim 7, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement in a current theme format including a highlighted current viewing program for a current time slot centered in a main program display portion of the subsequent guide arrangement and a theme category corresponding to the current viewing program in a theme portion of the subsequent guide arrangement (Fig. 20, Col. 26, lines 47-Col. 27, lines 62).

Regarding claim 8, LaJoie further discloses wherein the processor is responsive to a subsequent user input to display a new theme not corresponding to the current viewing program in the theme portion of the subsequent guide arrangement and a plurality of future programs in a main program display portion of the subsequent guide arrangement corresponding to the new theme (Col. 27, lines 8-35).

Regarding claim 9, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement in a user-configured theme format including a user pre-configured theme-highlighted in a theme portion of the subsequent guide arrangement and programs corresponding to the user pre-configured theme in the main program display portion of the subsequent guide arrangement (Fig. 20 and 21; Col. 6, lines 4-45; Col. 27, lines 8-35).

Regarding claim 10, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement with a menu of ordering formats selectable by a user overlaid on the theme portion of the subsequent guide arrangement (Fig. 19-21; Col. 26, lines 26-65+).

Regarding claim 11, LaJoie further discloses wherein the selected guide arrangement is configured in a title format displaying a first alphabetical category in a title portion of the initial guide arrangement and an alphabetical listing by time of a plurality of programs in a main program display portion of the initial guide arrangement corresponding to the first alphabetical category (Col. 27, lines 64-Col. 28, lines 25).

Regarding claim 12, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement in a current title format including a highlighted current viewing program for a current time slot centered in the main program display portion of the subsequent guide arrangement and a title category in the title portion of the subsequent guide arrangement corresponding to the current viewing program (see Fig. 16).

Regarding claim 13, LaJoie further discloses wherein the processor is responsive to a subsequent user input to

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

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display a new title category not corresponding to the current viewing program in the title portion of the subsequent guide arrangement and an alphabetical listing by time of a plurality of programs in the main program display portion of the subsequent guide arrangement corresponding to the new title category (see Fig.17).

Regarding claim 14, LaJoie further discloses wherein the processor is responsive to a subsequent user input to display a subsequent guide arrangement in a user-configured title format including a user pre-configured title highlighted in a theme portion of the subsequent guide arrangement and programs corresponding to the user pre-configured title in the main program display portion of the subsequent guide arrangement (see Fig.20-21; Col.6, lines 4-45; Col.27, lines 8-35).

Regarding claim 15, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement with a menu of ordering format selectable by user overlayed on the title portion of the subsequent guide arrangement (see Fig.22-23).

Regarding claim 16, LaJoie further discloses wherein the selected guide arrangement is configured in a browse-by menu format including a menu of ordering formats selectable by a user (Col.5, lines 59-Col.6, line 65).

Regarding claim 17, LaJoie further discloses wherein a default menu format is a browse-by time format including a listing of future programs in a main program display of the initial guide arrangements (see Fig.16-17).

Regarding claim 18, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement in a current time format selectable from the browse-by menu, the current time format including a highlighted current viewing channel of a plurality of channels in the channel portion in the subsequent guide arrangement and a listing by time of current and future programs in a main program display portion of the subsequent guide arrangement corresponding to the plurality of channels in a channel portion of the subsequent guide arrangement (Fig.16, Col.13, lines 5-65 and Col.23, lines 44-Col.24, lines 51).

Regarding claim 19, LaJoie further discloses wherein the default menu format is a browse-by theme format including a listing of future programs in main program display of the initial guide arrangements (see Fig.20-21).

Regarding claim 20, LaJoie further discloses wherein the processor is responsive to a subsequent user input to display a subsequent guide arrangement in a current theme format selectable from the browse-by menu, the current theme format including a current viewing program for a current time slot highlighted in a main program display portion of the subsequent guide arrangement and a theme category corresponding to the current viewing program in a theme portion of the subsequent guide arrangement (see Fig.21).

Regarding claim 21, LaJoie further discloses wherein the processor is responsive to a subsequent user input to display a new theme not corresponding to the current viewing program in the theme portion of the subsequent guide arrangement and a plurality of future programs in a main program display portion of the subsequent guide arrangement corresponding to the new theme (see Fig.20).

Regarding claim 22, LaJoie further discloses wherein a default menu format is a browse-by title format including a listing of future programs in a main program display of the initial guide arrangements (see Fig.22).

Regarding claim 23, LaJoie further discloses wherein the processor is further responsive to a subsequent user input to display a subsequent guide arrangement in a current title format selectable from the browse-by menu, the current title format including a current viewing program for a current time slot and highlighted centered in the main program display portion of the subsequent guide arrangement and a title category in the title portion of the subsequent guide arrangement corresponding to the current viewing program (see Fig.22).

Regarding claim 24, LaJoie further discloses wherein the processor is responsive to a subsequent user input to a new title category not corresponding to the current viewing program in the title portion of the subsequent guide arrangement and an alphabetical listing by time of plurality of programs in the main program display portion of the subsequent guide arrangement corresponding to a new title category see Fig.20-21).

Regarding claims 25-48, the method claims 25-48 is analyzed with respect to the above apparatus claims 1-24.

Claims 1-48 have Industrial applicability as defined by PCT article 33(4), because the subject matter claimed can be made or used in Industry.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

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----- NEW CITATIONS -----

US 5,850,218 A (LAJOIE et al.) 15 December 1998, all document.